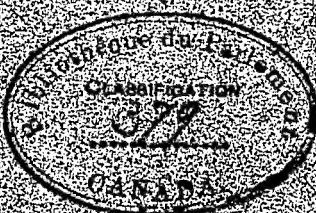


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# SEPARATE SCHOOLS

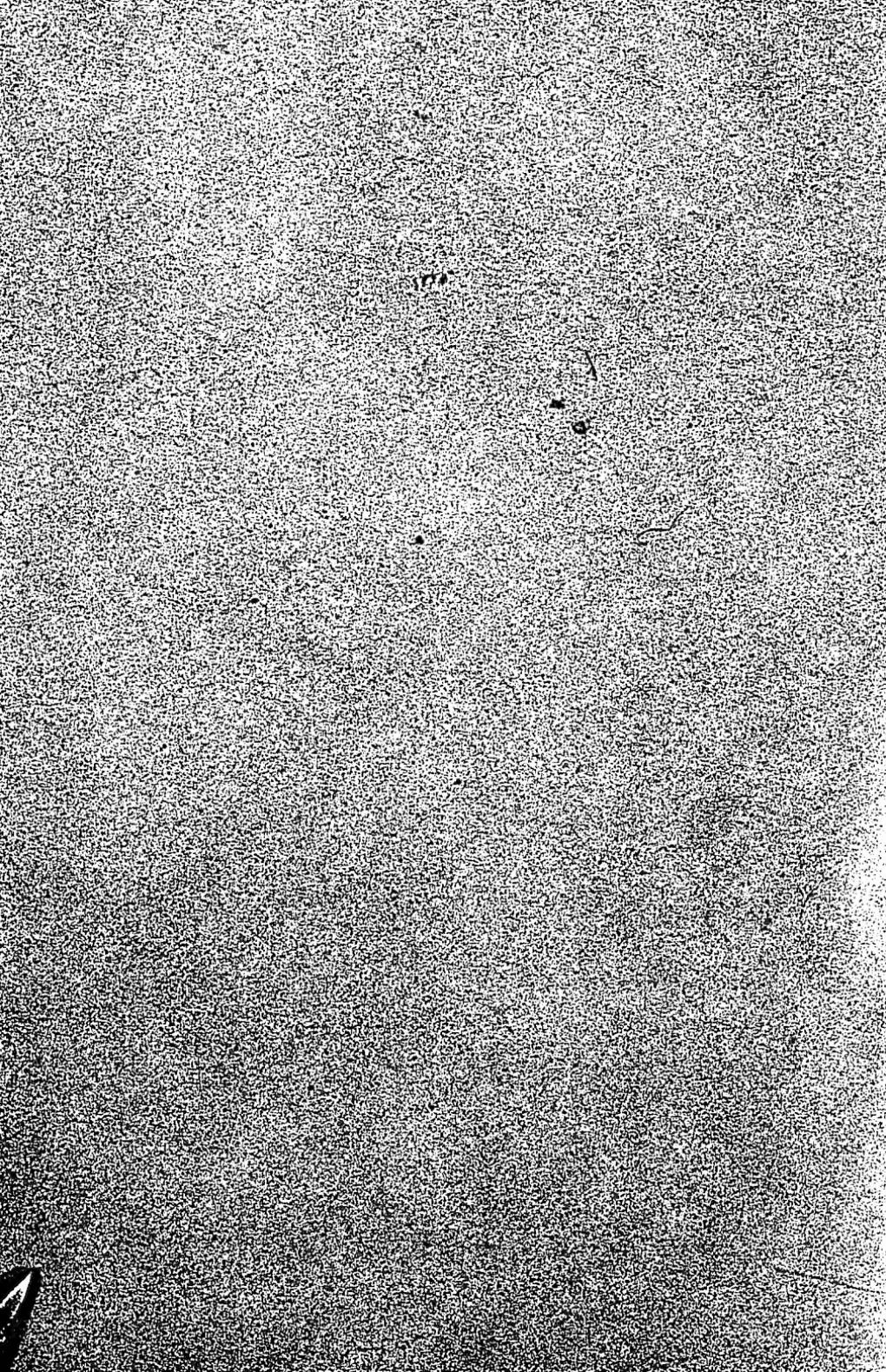
PART



Negotiations at Ottawa

May 1970.

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OTTAWA ONTARIO CANADA



# THAT BILL OF RIGHTS.

## ARCHBISHOP TACHE WRITES A LETTER TO MR. TAYLOR.

He insists that the Bill of Rights made Public by him was the one considered by the Dominion Government.

JAMES TAYLOR, Esq.

SIR.—I read with attention the letter you addressed to me in the columns of the Free Press of the 9th inst. The tone of your letter and the interest attached to the matter are worthy of full consideration and I am satisfied that you will accept what I have to say in reply, as a means of arriving at a certainty about a very important point of the history of our country. You speak of a bill of rights different from the one I have published, and you endeavor to show thereby that I am mistaken, in the affirmation I have made. To avoid confusion in terms, I will, in reply, call the document in your possession "your bill of rights," and I will call the one I published "my bill," although no longer the author of this one than you are of the other; moreover, as I shall make several quotations from the Blue Book called "Report" of the select committee on the causes of the difficulties in the Northwest Territory ~~in 1869-70~~, I will merely use the word "Report" and name the page.

Yours truly,

You say that you have in your possession a Bill of Rights, copied by Mr. Thomas Bunn, secretary of state for the Provisional government. I believe you without hesitation. There were so many essays prepared, rejected and amended that there is no wonder at all that one or perhaps several of those essays, copied by Mr. Bunn, remained in his possession, and are now in yours; however, be sure your Bill of Rights is no more than mine—the one that was drawn up by the representatives of the people in any public meeting assembled. There were two Bills of Rights framed and agreed upon in public meetings; one in November, 1869, and the other at the convention in January and February, 1870. Every one acknowledges that the first was not acted upon; the second was presented to Mr. Donald A. Smith, was attached by himself to his own report, but was never handed to the delegates to be carried to Ottawa. I know perfectly well that the general impression was that this last bill of rights was the one given to the delegates to be used at Ottawa. Lord Dufferin, himself, was under that impression. I dispelled that idea fifteen years ago by arguments, which were never answered; and now permit me to say that you implicitly corroborate my statements, in showing that the bill you contend was handed to the delegates contained conditions which are in no way and

nowhere to be found in the bill framed by the convention, as you do by quoting clauses one and eleven. Please compare your own bill with the one framed by the convention and you will convince yourself of what I here affirm.

### OUR TWO BILLS

have the same origin; they both emanate from the Provisional Government, having been prepared by the executive of that body, and what is said against the origin of one can be said against the other. Neither of them is a violation of truth and honor. One is no more fictitious than the other; one does not tamper more than the other with the supposed adoption of another bill by the council of the Provisional Government; your bill has never been published, mine was not until a few days ago; both were unknown to the general public previous to this discussion. Of necessity the one was substituted for the other, but observe, was substituted by the same authority which had prepared both; the only difference is that fifteen years ago, while no mention is made of yours, I mention and declare mine to be the one handed to the delegates. You may say that this is new information; to many it is, but not to me. You may also add it is not satisfactory; granted, but it is well known that the executives of governments, legal or illegal, do not always publish their actions; it is very seldom that the instructions to delegates are made public, especially in excited times and difficult negotiations.

Mr. Thomas Bunn himself explained the secrecy which surrounded the preparing of the two bills of rights. Speaking of the council of the provisional government he says: (Report page 118). "This council had nothing to do with the executive part of the government. That was conducted by the actual provisional government, that is Louis Riel and some other officials whose names I forgot."

The same Mr. Thomas Bunn evidently does not place much reliance on the document you have in your possession, and treats it as of no official value, when in his evidence he says (Report, page 122): "I do not know where the record of the proceedings of the Provisional Government is." Were your bill the important record looked for, Mr. Thos. Bunn could not have, in his evidence, made such a reply, knowing that he had it in his possession.

## WHAT BILL WAS GIVEN TO THE DELEGATES?

You say that yours was the one; on the contrary, I repeat it is mine. We are both equally sincere in our assertions; nevertheless, to add certainty to sincerity, it is but fair to examine on what grounds we base our different opinions.

After the death of Mr. Thos. Bunn, papers are found to have been in his possession; one is docketed, as you say, "Delegation to Canada," "copies of commission, and letter of instruction," not a word about a Bill of Rights on this; true, you add, in your own classification, a copy of our Bill of Rights; permit me to say that you give no actual proof that such copy is the one which was handed to the delegates. You are undoubtedly under the impression that it was, but I see no proof of the assertion in your letter. You call it "Our Bill of Rights" and "the people's Bill of Rights;" this is no proof that it was ever used. Outside of your assertion, I do not really see what could force the conviction that your bill was the one handed to the delegates.

I will now give you some reasons to believe that my bill was the one taken to Ottawa. I saw myself the document handed over to Rev. Mr. Ritchot and Judge Black by the officials of the Provisional Government. I had heard some of the objections made by them to certain articles of a first essay, and I saw some modifications made in my presence by the said officials. I heard the delegates declare that they would take "my bill" as the basis of their negotiations; on their return the Rev. Mr. Ritchot and Mr. Scott affirmed repeatedly that they had acted accordingly. Sir George Cartier told me how the Government of Ottawa was embarrassed and annoyed when the delegates refused to negotiate on the Bill of Rights prepared by the convention, and insisted on the determination to take "my bill" as the basis of their arrangements. Moreover, as the Rev. Mr. Ritchot is in my house, I ask ed his declaration on the subject, and here is what he writes:-

"ST. BONIFACE, Jan. 13th, 1890.

"To His Grace, the Archbishop of St. Boniface,

"MONSEIGNEUR--I positively affirm that the articles of the List of Rights, which you have published in the Free Press of the 27th December last, and in the Manitoba of the 31st, are exactly similar to the correspondent articles of the List of Rights which had been finally handed to me, as well as to my co-delegates, when we started for Ottawa. That list was the only basis of our negotiations and it contained in 2nd of the 1st article the demand of a Senate or Upper House and the 7th article referred to the separate school and we have obtained both.

It is easy for anyone, to make sure of what I say here, by consulting the "Remarks" I have drawn on the 28th and 29th April, 1870, during the negotiations. I herewith give to Your Grace the original of the same and at the time I gave a copy to both Sir John A. Macdonald and Sir George Cartier.

Permit me, My Lord, to observe that I have not seen in Your Grace's publication the 20th article of our List of Rights, though the article existed. You may look at my papers and you will find that the article is mentioned in No. 6 of the "general observations" which follow the "Remarks" to which I have just alluded above.

Deign, Monseigneur, accept the homage of my entire and respectful devotedness."

(Signed) N. J. Ritchot,  
Priest."

## WAS THE TREATY RATIFIED?

Decidedly the negotiations between the Canadian authorities and the delegates of the Northwest was reported and fully ratified. The Act of Manitoba was passed as far as I can recollect, by 120 to 11 votes in the House of Commons, at Ottawa. The same act was accepted by the unanimous vote of all the members of the Legislative Assembly of Assiniboina, at Fort Garry. This may also be new to many, but it is nevertheless an actual fact and our common friend Mr. Thomas Bunn, will help me to establish this. (in Report, page 80) I find the following letter signed by him:

"Rev. N. J. Ritchot, St. Norbert.

Government House, June 23rd, 1870.

Reverend Sir--I beg to inform you that the Legislative Assembly was convened this day for the purpose of considering the report of the delegation sent from this Government to Canada, of which delegation you are a member. The President informed the house, however, that you did not at present intend to report; first, on account of bad health, which I very much regret--and secondly, that you preferred waiting for the arrival of at least one of your fellow-delegates before reporting officially. The House consequently adjourned till tomorrow at one o'clock p.m., and expressed the hope that they might then have the pleasure of either meeting you personally or having your report in writing. I need hardly say to you that they are exceedingly anxious to hear the result of your mission to Canada, and feel the utmost confidence in your good faith. I have therefore been directed to request you to report to the House to-morrow, in person if your health will permit, or in writing.

I have the honor to be, reverend Sir,

Your Obedient Servant,

(Signed) THOMAS BUNN,

Secretary."

In accordance with the above request, Rev. Mr. Ritchot appeared in person before the Legislative Assembly, where he gave his report, explaining the difficulties he had encountered, giving all the information requested from him by both English and French members.

The same day the "New Nation," the only paper published at the time, gave in full the text of the Act of Manitoba and related in the following terms, the reception given to the Rev. Mr. Ritchot by the Legislative Assembly. The New Nation, June 24, 1870:

"Yesterday one of the most important meetings ever held by a legislative body here, was held by the Legislative Assembly of Assiniboina. A special session of the Legislature was convened by the President for the 23d inst., but little business was done till the following day, when Rev. Mr. Ritchot, one of the delegates to Canada, appeared before the Assembly by request of the Government, and reported the result of the mission to Ottawa. The late hour at which the proceedings of the House closed yesterday, and the little space at our command, prevent us giving a full report of the proceedings before next issue.

"When Rev. Mr. Ritchot closed his report, the House passed him a cordial vote of thanks for the straightforward, courageous and successful way in which he discharged his important mission. It was then unanimously resolved by the legislature in the name of the people that the Manitoba Act should be accepted as satisfactory, and that the coun-

try should enter the Dominion on the terms specified in the Manitoba and Confederation acts. This conclusion elicited loud and enthusiastic cheers.

The vote of thanks, I may observe, was moved by Hon. Mr. Bunn himself, and seconded by Hon. Mr. Bannatyne. In those days all the members of the legislative assembly were favored with the title of honorable.

On the 28th of the same month, the Rev. Mr. Ritchot wrote as follows on the subject to Sir George Cartier. (Report, page 81):

"St. Boniface, June 28th, 1870.  
To Sir George E. Cartier, Minister of Militia, etc., Ottawa.

Sir,—On Friday last, the 24th inst., I was summoned before the Legislative Assembly of the Provisional Government to give some explanation in the matter of the Manitoba Act. All declared themselves very well-satisfied. Their fears are disappearing. Sympathy with Canada is lively and sincere. Mr. Riel wishes to see the Governor arrive as soon as possible, in order to relieve himself of the responsibility which weighs upon him.

I have the honor to be, Sir,

Your most obedient servant,  
(Signed), N. J. Ritchot, Pte."

It is evident that the delegates reported, that their report was accepted with enthusiasm, that the treaty was ratified by representatives elected by the people. Consequently, that the negotiations including those concerning the Upper House, and separate schools, instead of being ignored by the population of the Red River, were accepted by them, even if unknown to individuals who seem to think that not being known to them means not to exist.

#### INACCURACIES.

I take the liberty to say that the paragraph of your letter beginning with the words "Now regarding our delegates to Ottawa, etc.," is full of inaccuracies. You say that shortly after the first interview Judge Black was hurriedly called away from Ottawa; such was not the case. Judge Black remained in Ottawa from his arrival on the 21st April to the 18th May; he took part in the negotiations at every meeting held during that period. I have on my table a letter of Judge Black's, written at the Russell house, Ottawa, the 17th May; the same day he bade good bye to the Rev. Mr. Ritchot, telling him that without his efforts they would not have obtained the half of what was conceded by the Government. "The people of the Red River 'English and French,' said he, 'as well as Canada owe you a great deal, etc., etc.' Miss Black, a sister of the judge, joins with her brother in the expression of the same sentiment, adding that 'she felt happy in being able to say that she will long remember the generous efforts made by the Rev. Father in favor of the people of the Red River, without distinction of origin or creed.'

Again you say that "Alfred Scott was taken ill." There was no such sickness as would prevent the delegate Mr. Scott from taking an active part in all the deliberations to the very last. I ascertain that from the diary of the Rev. Mr. Ritchot, and I heard it also from the lips of Mr. Scott himself who, after his return, was taken sick. During his illness I

often visited him in the hospital at St. Boniface where he died in May, 1872.

You add, "Sir John A. Macdonald was continually indisposed." The indisposition did not prevent him from going himself to Sir Geo. E. Cartier's residence, where he met the delegation on the 23rd April, twice on the 25th, and again on the 26th, 27th and 28th; he met them all also on the 2nd, the 5th and 6th May, so that you are not justified in stating that the business on behalf of this country was really transacted between the Rev. J. N. Ritchot and the late Sir George E. Cartier."

The acceptance of the Act of Manitoba by the Legislative Assembly of Assiniboia as mentioned above, is a complete answer to your accusation. "Our delegates were not loyal to our cause, etc.," and to all the arguments founded thereon, more especially to the affirmation that "Col. Wolseley and his expedition, at the point of the bayonet, forced the present constitution upon us."

I was so much the more surprised to read that statement in your letter, that, a few lines after, you contradict the same by the following assertion: "Your Grace is truly aware of this fact that the Wolseley expedition was not sent to Fort Garry, for the purpose of fighting Mr. Louis Riel." I am well aware of that, but you are also perfectly aware that the enemies of the half-breeds repeatedly affirmed that such was the object of the expedition. You add: "Your Grace is also aware that the beloved wife of Col. Wolseley could have entered Fort Garry one month at least before the arrival of the gallant Colonel." Yes, I know it very well, and I could even give a little bit of information that this was contemplated and very nearly became an accomplished fact.

When at work and before coming to a close I beg leave to add a few words more. The extraordinary language to which I will be forced to allude is not yours, for your letter, I am happy to say, has nothing of the kind.

#### A MYSTERIOUS AFFAIR.

I am confident that your fairness of disposition will convince you that after all "my Bill of Rights" is not such a mysterious affair; true, it mentioned and obtained an Upper House; for my part I confess I have a leaning for Upper Houses, and I am not alone, as most of the constitutions of countries, both in the old and new world, admit its utility, and I am sure that being, as you are, aware that the Upper House of Manitoba, at its very outset, had five English speaking members against two French, you will not, as some others do, come to the conclusion that it was invented "to give the French the control of Manitoba."

You say that separate schools are not mentioned in your Bill of Rights, but the fact that they are cared for in the Manitoba Act is if anything a proof that your Bill of Rights was not the one considered; I will add it is a very bad action to try to excite ill feeling on account of the demand to have separate schools after the "model of Quebec," and that by treaty.

The Catholics are largely in the majority in the province of Quebec, consequently the system of separate schools in that province, is almost entirely in favor of Protestants who are well satisfied with it. When the delegates of Red River went to Ottawa, asking for the establishment of a province which would cover the whole of the Northwest, the majority of the inhabitants of the intended province were Catholics, so it was a proof of good-will towards Protestants on the part of the framers of the Bill of Rights in asking for separate schools, and if the majority had continued to be Catholic, the old and new Protestant settlers would find the provision very wise and very convenient, and no one would think of showering abuse on me or those who, like myself, think that what was agreed ought to be faithfully adhered to. The "Don Quixotes" in this matter are not with us, and I hasten to say that you are not with them.

#### A GREATER MARVEL.

Sometimes it turns out that a great, a greater, the greatest marvel is no marvel at all; such is the case with the one revealed in the "Sun" of the 10th inst. By the by, I hope it is not the insertion of that marvel which has choked the journal just the day after it published it. At all events, here is the marvel expressed: your bill contained in its 20th clause, that there should be no increase in the tariff for three years; "my bill" as published in the Free Press of the 27th December, did not mention the same demand, and yet the Act of Manitoba, clause 27th provided for it. There is the marvel and here comes my explanation, which is very simple. The sheet containing the 20th article disappeared from the files which I have in my possession, and that very likely, owing to the little importance I attached to the demand. I say I attached little importance to the demand because I knew that it had been granted previous to the departure of the delegates, and here is how I prove it. On the 16th of February, 1870, Sir John A. Macdonald

wrote and gave me a letter in Ottawa. With that letter, as I have already stated, I succeeded to determine the delegates to proceed to the Capital of the Dominion. In the same letter was the following paragraph: "You are authorized to state that the two years, during which the present tariff shall remain undisturbed, will commence from the 1st January, 1871, instead of last January, as first proposed." (Report, page 19.) In my estimation the demand became a useless one; I therefore attached less importance to the paper which contained it, and very injudiciously, it is true, I lost sight of it.

Now, in turn, I will say, "will any one in his sense maintain" that it is a marvel to lose in the course of 20 years, a piece of paper which contained a demand already granted by an official document, under the signature of the Premier of Canada when that document has been printed and reprinted again in the blue books. At all events, my omission is provided for by Rev. Mr. Ritchot's testimony and in his own notes, which I keep to the service of anyone desiring to satisfy himself on this point.

This explanation must dispel the marvelous mist surrounding an omission of little consequence. The history of Manitoba would be more in harmony with the brightness of the atmosphere of our dear province if it was studied under its true light and outside of the dark cloud of prejudices too often exhibited in lectures delivered before a large or small gathering of our Historical Society. I venture this remark because I know that you really love our country and its old inhabitants, and that you listen with pleasure to unbiased information and explanations.

In this conviction I remain, Sir,  
Your obedient servant,

ALEX., ARCH. OF ST. BONIFACE.  
O. M. I.  
St. Boniface, 13 Jan., 1890.

# THAT BILL OF RIGHTS.

## ARCHBISHOP TACHE'S ANSWER TO MR. HAY.

To the Editor of the Free Press.

Sir,—Please permit me to reply to Mr. Hay, whose statements I have to contradict.

Mr. Hay, quoting my words, says: "I heard the delegates declare they would take 'My Bill' as the basis of negotiations," and he adds: "Why not have said Ritchot and Scott." I did not say so, because it would not have been true, as I never had any intercourse with Mr. Scott previous to his return from Ottawa, long after the negotiations had been concluded. I did not know Mr. Scott before, and, to be more explicit, I may add that his appointment as delegate astonished me very much. With Mr. Black it is different. I knew him well and he several times came to my house about the delegation, and I heard him discussing the Bill of Rights which was intended to be taken to Ottawa.

While denying my statements, Mr. Hay overlooks that, at the same time he opposes Mr. Taylor. The Bill of Rights of the convention of forty is by no means the one that Mr. Taylor contends for, at least, judging from the clauses that Mr. Taylor cites in his letter, published on the 9th January, it is strange to carry on a discussion on this point, when it is so easy to ascertain the real facts. The Bill of Rights of the convention of forty is published in extenso in the appendix of the Hon. D. A. Smith's report and is found in the blue book (sessional papers, 1870, No. 12, pages 10 and 11) and does not contain the clauses cited by Mr. Taylor. Consequently the two documents are different, and Mr. Hay claiming the one of the convention as the only true one, repudiates that of Mr. Taylor. Let them settle their differences before I say anything more about the point.

Mr. Hay goes on to say that "my bill" was through the instrumentality of his Grace substituted for the one here mentioned as Taylor's bill." This statement is also untrue. My instrumentality had nothing to do with the substitution of any one bill for another. If I had had power in the matter, the bill given to the delegates would have been far different from the one I called "my bill," because this, as well as the others spoken of contained articles which I would have eliminated or amended and there were omissions which I much regretted. Though the bill was not in entire accordance with my views it is "through my instrumentality" that Mr. Ritchot and Mr. Black consented to proceed to Ottawa as—delegates and in my presence, explicitly consented to take "my bill." As I have already stated, both Mr. Black and Mr. Ritchot at first hesitated to accept the responsibility, specially as they were aware a new bill would be put in their hands, but at last they consented. I did my best to obtain this result because I was con-

fident that, once in Ottawa, the delegates would secure acceptable conditions, and this conviction had been impressed upon me by the knowledge I had of what was principally desired by the Imperial and Dominion authorities. Besides, we were, at every moment, on the verge of civil war and of a criminal invasion, from abroad, which would have been the ruin of the country; so I did my very utmost to persuade the delegation, and thanks to God that I succeeded.

Mr. Hay plays on the words of Mr. Ritchot's declaration, because the word "co-delegate" is in the singular number. This is the fault either of the translator or printer, because Mr. Ritchot's letter to me, which is in French, reads as follows: "Aux autres delegues," which is undoubtedly plural and relates to Mr. Black as well as to Mr. Scott.

Mr. Hay shows once more his want of information on the subject when he says: "The negotiations were mostly with Ritchot and Scott," and "through illness Judge Black had been unable to present his case fairly." The reverse is the truth. From the opening of the negotiations on the 23rd April until the departure of Mr. Black from Ottawa, on the 18th May, he and Mr. Ritchot had no less than fifteen meetings, at nine of which Sir John A. Macdonald was present, while in twelve of these sessions Sir George Cartier took part and the other delegate, Mr. Scott, attended only at ten of them. So in reality it is between Mr. Black and Mr. Ritchot that the greatest amount of intercourse took place. I can name the places, the days and even the hours of these meetings, as well as the matters treated of at each, so the idea of Mr. Black not taking an active part is not in accordance with the facts.

Mr. Hay, in another paragraph, is kind enough to inform the public of the following: "His Grace will, I feel assured, recollect that when he returned from Rome via Ottawa, he was far from well, and testifies that he depended much on the data of Pere Ritchot." The condition of my health twenty years ago is of little importance to the public, but as Mr. Hay seems to take a particular interest in it, I will remind him that the Blue Book, from which he took his information (report, page 16) states nothing alarming with regard to my health. Under pressure of examination and cross examination before a committee, "I state that I was unwell on my arrival. My indisposition was caused by my journey." To satisfy Mr. Hay, I would add that I started from Rome on the 13th January, I travelled the six following nights, from Rome to Liverpool, spending the days in the different cities in which I had business to transact. I took the steamer at Liverpool on the 19th. We had a very rough passage which lasted 13 days,

6

and being a poor sailor I was sea-sick all the time. I landed at Portland (Maine) the 2nd February and took the cars immediately. A heavy snow storm kept me two nights on the road and no sleeping car, so I arrived in Montreal on the 4th February, very much fatigued, which prevented me from proceeding immediately to Ottawa. I rested three days at my mother's house where I completely recovered from my indisposition, and was never in better health in my life from the 8th February to the end of the second year after. I left Montreal for Ottawa on the 8th February. I trust this is enough. As far as one can see in his own case, I was not entirely unfit to judge for myself, where I depend upon the data of Pere Ritchot in matters happening at a distance from me and transacted with his full knowledge.

As "straws indicate the direction of the winds" I may be permitted to cite the following letter, which is surely a proof that at the time of the delegation I was on intimate terms with Judge Black, and that I am consequently in a better position than Mr. Hay seems to believe, to know what was done or not done by the Hon. Gentleman.

RUSSELL HOUSE, Ottawa, May 17, 1870.

REVEREND AND DEAR SIR—As I am leaving this city for Montreal to-morrow, I have called to bid you adieu and to beg you to be kind enough to take charge of the accompanying box for our respected friend, Bishop Tache, containing the winter fur cap which His Lordship had the goodness to give me the benefit of for the journey over the plains.

You will much oblige me by taking good care of it—particularly to keep it dry—and by delivering it to His Lordship with my most respectful and grateful regards.

If you could carry the coat more conveniently in your own portmanteau, you might take it out of the box by undoing the screws.

I remain, Reverend and Dear Sir, Yours sincerely,

(Signed) The Rev. Mr. Ritchot

J. BLACK.

What is that? It is Judge Black travelling with Bishop Tache's fur coat! But this has nothing to do with the Bill of Rights! No, no more than the straw is part of the wind, still, the straw indicates the direction of the wind; so the use of the coat indicates what I have already stated, that I am perfectly well acquainted with the minutest details concerning the delegation. "My Bill of Rights" was not made by me, it was not the most desirable thing; nevertheless it was handed to Mr. Black, in my presence, and carried by him to Ottawa. My coat was not made by me; it was neither elegant nor fashionable; nevertheless it was offered to Mr. Black and used for his journey to the Dominion capital, so the hon. delegate, "my bill" and "my coat" travelled together. I know and affirm it in spite of all negations.

"Now dear readers," don't be too uneasy, there was in my coat no supernatural power or influence. Mr. Black, in using it, was in no way exposed to become as deceitful as Mr. Hay says I am. If I were silent on this insignificant little incident, who knows if after a lapse of time, some very learned doctor would not find out that the lending of my coat to Judge Black was another instance of those superstitions or tricks of which Bishop Tache, the "Rom-

ish hierarchy" and "them Jesuits" are so widely known to be guilty. To dissipate this mysterious impression, which might arise in the future, I say to-day that fur coats were very rare in the Red River settlement in 1870; the winter was very severe; the snow deep and the roads almost impassable. After Mr. Black had agreed to leave for Ottawa, I offered him the use of my fur coat, of which he kindly availed himself.

Before coming to a close, I will give to Mr. Hay another instance of my disposition "to deceit" and of my desire of continuing in the practice, "through the misrepresentations then and now made." I say that Mr. Black himself acknowledged, by writing, that he conducted the negotiations at Ottawa on the same basis as Father Ritchot, so much so that he calls the proceedings "our negotiations;" that Mr. Black, also in writing, considered the bill, or "Manitoba Act," as the real result of the negotiations that he (Judge Black) had conducted with his co-delegates in the interest of the people of this country. I moreover affirm that Judge Black, after the conclusion of negotiations, stated by writing that the Act of Manitoba itself was the best report that he could possibly give on the subject. In proof of the above statements I herewith give in full another letter of Mr. Black's; the envelope, enclosing which, bears the post marks of Montreal, 24th May, 1870, and Ottawa, 26th May, 1870:

MONTREAL, May 24, 1870.

To the Rev. N. G. Ritchot, Ottawa.

REVEREND AND DEAR SIR,—In my yesterday's telegram, noticing the receipt of your letter, I promised to write to you to-day; and I have now the pleasure of doing so.

With regard to your suggestion, that I should give some written account of our negotiations with the Government, I may say that, before receiving your letter, I had been considering the propriety of such a step, but finally came to the conclusion that the best report which I could possibly give on the subject was the Bill itself, of which copies will, no doubt, be duly forwarded to Red River.

That is still my opinion; and I hope that, on further reflection, you may be inclined to agree with me. But, if I should hereafter take a different view of the matter, I can, of course, easily write.

As it does not appear that you are again to visit Montreal, and as I have no immediate prospect of returning to Ottawa, I presume we shall hardly have another opportunity of meeting; and therefore in Miss Black's name and my own, I must now bid you adieu by wishing you "bon voyage."

Will you oblige me by saying to Mr. Scott that, the evening before leaving Ottawa, I called at his hotel, but found he was out.

Hoping that you received the fur coat for His Lordship the Bishop and begging the favor of you giving it a corner in your portmanteau.

I remain, reverend and dear sir,

Yours truly,  
(Signed) J. BLACK.

I leave to any thinking man to judge for himself, and I have no hesitation in repeating that "my Bill of Rights" was accepted by Mr. Black, as well as by the other two delegates and that the three conducted their negotiations in full and perfect harmony on that basis.

+ ALEX., ARCH. OF ST. BONIFACE, O.M.I.  
St. Boniface, Jan. 24, '90.

# SEPARATE SCHOOLS.

## PART OF THE NEGOTIATIONS AT OTTAWA IN 1870.

To the Editor of the Free Press.

SIR.—In the course of last August I addressed you a letter, which you kindly published, to show that after all Roman Catholic ideas about religious instruction in schools are in perfect harmony with the public opinion in England on the subject. The conclusions of the Royal Commission, which I cited, would hardly have been expressed otherwise had they been prepared by a council of Catholic bishops. That letter of mine has not been refuted, far from it; there is reason to believe it has produced the desired effect, that is to say, to convince many of the desirability and even necessity of religious teaching in elementary schools, and that during school hours and by the teachers themselves.

To-day I take the liberty to write again. My object is to show that the rights claimed by the Catholics of Manitoba are not merely the result of an act passed in Parliament, but an integral part of an agreement or treaty passed between the Dominion of Canada and the settlers of the Red River, previous to the entry of our province into Confederation; and that at the special request and under the immediate direction of the Imperial authorities. So the Manitoba Act is but the recognition of rights and privileges secured before its passing.

I may be permitted then to review certain portions of our history perhaps not too well-known. In 1868 two delegates of the Canadian government, Sir George Cartier and the Hon. Wm. Macdougall, were sent to England to negotiate with the Imperial government and the Hudson's Bay Co. for the acquisition of Rupert's land and the Northwest Territories. After long deliberations, the conditions of the transfer were agreed to by the interested parties.

Meanwhile Earl Granville, then Secretary of State for the Colonies, though rejoicing at an agreement he had so largely contributed to secure, felt a little uneasy about the future condition of the old inhabitants of the country, and, to relieve his anxiety, addressed to Sir John Young, then Governor-General of Canada, a despatch dated 10th April, 1869, from which I quote the following paragraph: "I am sure that your government will not forget the care which is due to those who must soon be exposed to new dangers, and in the course of settlement be dispossessed of the lands which they are

used to enjoy as their own or be confined within unwontedly narrow limits.

"That government, I believe, has never sought to evade its obligation to those whose uncertain rights and rude means of living are contracted by the advance of civilized men. I am sure that they will not do so in the present case, but that the old inhabitants of the country will be treated with such forethought and consideration as may preserve them from the danger of the approaching change, and satisfy them of the friendly interest which their new governors feel in their welfare."

This advice falling from the pen of a distinguished statesman of England was not acted upon. The parliament of Canada enacted laws and authorized orders-in-council for the government of the Northwest Territories, without even mentioning the old inhabitants. The Dominion already counted millions of people. The government commanded in the two houses a strong majority; public opinion was with it, why then care for the few thousand people on the banks of the Red River who would gain so much by the proposed change? The results of this sin of omission were deplorable. The troubles of 1869 and 1870 were the immediate consequence. As stated by Lord Granville himself, in his despatch of the 30th November, 1869: " \* \* \* The Canadian Government, in anticipation of the transfer, undertook certain operations in respect of lands. \* \* \* The Canadian Government having by this measure given an occasion to an outbreak of violence \* \* \* appears to claim the right of imposing on Her Majesty's Government the responsibility of putting down the resistance which has then arisen."

To remedy the evil, Lord Granville telegraphed to the Governor-General, advising the issue of a proclamation in the name of Her Majesty, in order to quiet the minds of the disturbed. In that proclamation of the 6th Dec., 1869, we read: "Her Majesty commands me to state to you that she will always be ready through me, as her representative, to redress all well-founded grievances and any complaints that may be made or desire that may be expressed to me as Governor-General.

"By Her Majesty's authority I do therefore assure you that, on union with Cana-

da, all your civil and religious rights will be respected."

Lord Granville, having heard of the proclamation and of the good-will of the Canadian authorities, wrote as follows to Sir John Young on Jan. 8th, 1870: "I observe with great satisfaction the anxiety manifested by the Canadian Government to avoid any collision with the insurgents in the Red River settlement and to exhaust all means of explanation and conciliation before having recourse to force."

Unfortunately the difficulties of communication prevented the knowledge of the proclamation being imparted to the interested parties at Fort Garry, and, on the other hand, the same difficulty of communication left the Canadian officials at Pembina in the greatest uncertainty. Expecting that the affairs were progressing, as understood when they left Ottawa, they thought they had but to proclaim the transfer and secure by force their entry in the Northwest. They acted in accordance, but the result was altogether contrary to their hopes, and the difficulties were increased to such a lamentable extent, that Lord Granville expressed his regrets to the Governor-General in a despatch dated 20th Jan., 1870: " \* \* I much more seriously regret the proclamation put forth by Mr. Macdougall and the commission issued by him to Colonel Dennis \* \* \* Those proceedings do not render Her Majesty's Government less desirous of the restoration of tranquility under the authority of the Dominion, but they have certainly enhanced the responsibility of the Canadian Government."

The trouble had assumed such a dangerous aspect that the Federal authorities denied the help of men who could command the confidence of the disaffected. The Very Rev. J. B. Thibault, Vicar-General and Colonel de Salaberry were sent to Fort Garry to make known to the people the good disposition of the Government towards them. A few days later on, Donald A. Smith, Esq. (now Sir Donald) was sent as special commissioner under the great seal. The three were to act jointly with Governor Mactavish to secure the pacification of the country and to advise the old settlers to send delegates to Ottawa, to make known their grievances and desires. The Rev. Mr. Thibault was to distribute the proclamation on the 6th of December, but only after conferring on the subject with the Hon. Wm. Macdougall, who was supposed to be still at Pembina. The hon. gentleman had left, so the Rev. Mr. Thibault could not see him, and the box containing the copies of the proclamation

was deposited at Pembina, pending new instructions. The three gentlemen sent from Ottawa did their best to establish confidence in Canadian rule. A convention of forty representatives from the different districts of the Red River settlement was summoned for the 25th Jan., 1870, at Fort Garry, with the object of considering the subject of Mr. Smith's commission and to decide what should be the best for the welfare of the country. The convention assembled and, under the presidency of Judge Black, discussed the affair, for which they were summoned, until the 10th of February following, and they framed a Bill of Rights.

By a resolution passed unanimously, the convention accepted the proposition made to send a delegation.

The proceedings of the convention came to a close by the nomination of a Provisional government having a president, a secretary of state, etc.

The president of the Provisional government made known to the convention his choice of the persons he would appoint as delegates of the Northwest, and the secretary of state notified these gentlemen of the choice the president had made of them. The following is a copy of the letter addressed to one of the delegates:

FORT GARRY, Feb. 21st, 1870.  
Rev. J. Ritchot, St. Norbert, R.R.S.

Reverend Sir.—I am directed to inform you that you have been appointed by the President of the Northwest Territories as co-commissioner, with John Black and Alfred Scott, Esquires, to treat with the Government of the Dominion of Canada upon terms of confederation.

I am, reverend sir,

Your obedient servant,

(Signed) THOS. BUNN,  
Secretary.

Unfortunately, the troubles were not at an end; within a few days most regrettable circumstances occurred, which prevented the fulfilment of what had been decided. The delegation was postponed and Bill of Rights put aside.

At the same time Bishop Tache was requested to proceed to Fort Garry. The proclamation of the Governor-General was handed to the prelate with request to give it to the insurgents, in order to determine them to make known their grievances, complaints or desires to the Governor-General. Special importance was attached to a delegation, and to obtain it Sir John A. Macdonald, in his letter to Bishop Tache, 16th February, says: "In case a delegation is appointed to proceed to Ottawa, you can assure them that they will be kindly received and their suggestions fully considered; their expenses coming here and returning, and while staying in Ottawa will be defrayed by us."

The new envoy, on his arrival at Fort Garry, communicated to the leaders the desire of both Imperial and Canadian Governments with regard to a delegation, he insisted on the necessity of the measure. The Provisional government were very dissident, the delegates themselves, who had been chosen a month before, were showing great reluctance, specially as they would not be allowed to go, except on the promise of laying and defending before the Government of Ottawa a new bill of rights. After several days, all the details of the delegation had been agreed upon and the delegates received their credentials dated 22nd March, all three alike, with the exception of the names. The following is a copy of the one handed to Judge John Black.

To this I add the list or bill of rights mentioned in the same. The document is rather long, but as it has never been published before it may prove interesting to many as an historical document.

Thus equipped the three delegates started on their way to Ottawa, leaving Fort Garry on the 24th of March, 1870.

"To John Black, Esq.,

"Sir—The President of the Provisional government of Assiniboin in Council, by these presents, grants authority and commission to you, John Black, Esq., jointly with the Rev. N. J. Ritchot and the Honorable A. Scott, to the end that you betake yourselves to Ottawa, in Canada; and that when there you should lay before the Canadian Parliament the list entrusted to you with the presents, which list contains the conditions and propositions under which the people of Assiniboin would consent to enter into Confederation with the other Provinces of Canada.

"Signed, the 22nd day of March, in the year of Our Lord, one thousand eight hundred and seventy.

"By Order,

"(Signed) THOMAS BUNN,  
"Secretary of State.

"Seat of Government,

"Winnipeg, Assiniboin."

#### BILL OF RIGHTS.

Prepared by the executive of the provisional government and handed over to the Northwest delegates.

1. That the Territory of the Northwest enter into the Confederation of the Dominion of Canada as a province, with all the privileges common with all the different provinces in the Dominion.

That this province be governed:

1. By a Lieutenant-Governor, appointed by the Governor-General of Canada.

2. By a Senate.

3. By a Legislature chosen by the people with a responsible ministry.

2. That, until such time as the increase of the population in this country entitle us to a greater number, we have two representatives in the Senate and four in the Commons of Canada.

3. That in entering the Confederation,

the Province of the Northwest be completely free from the public debt of Canada; and if called upon to assume a part of the said debt of Canada, that it be only after having received from Canada the same amount for which the said Province of the Northwest should be held responsible.

4. That the annual sum of \$80,000 be allotted by the Dominion of Canada to the Legislature of the Province of the Northwest.

5. That all properties, rights and privileges enjoyed by us up to this day be respected, and that the recognition and settlement of customs, usages and privileges be left exclusively to the decision of the Local Legislature.

6. That this country be submitted to no direct taxation, except such as may be imposed by the local legislature for municipal or other local purposes.

7. That the schools be separate, and that the public money for schools be distributed among the different religious denominations in proportion to their respective populations, according to the system of the Province of Quebec.

8. That the determination of the qualifications of members for the parliament of the province or for the parliament of Canada be left to the local legislature.

9. That in this province, with the exception of the Indians, who are neither civilized nor settled, every man having attained the age of 21 years, and every foreigner being a British subject, after having resided three years in this country, and being possessed of a house, be entitled to vote at the elections for the members of the local legislature and of the Canadian parliament, and that every foreigner other than a British subject having resided here during the same period, and being proprietor of a house, be likewise entitled to vote on condition of taking the oath of allegiance.

It is understood that this article is subject to amendment by the Local Legislature exclusively.

10. That the bargain of the Hudson Bay company with respect to the transfer of government of this country to the Dominion of Canada never have in any case an effect prejudicial to the rights of the Northwest.

11. That the Local Legislature of this Province have full control over all the lands of the Northwest.

12. That a commission of engineers appointed by Canada explore the various districts of the Northwest, and lay before the Local Legislature within the space of five years a report of the mineral wealth of the country.

13. That treaties be concluded between Canada and the different Indian tribes of the Northwest at the request and with the co-operation of the Local Legislature.

14. That an uninterrupted steam communication from Lake Superior to Fort Garry be guaranteed to be completed within the space of five years, as well as the construction of a railroad connecting the American railway as soon as the latter reaches the international boundary.

15. That all public buildings and constructions be at the cost of the Canadian Exchequer.

16. That both the English and French languages be common in the Legislature and in the courts; and that all public documents as well as the acts of the Legislature be published in both languages.

17. That the Lieutenant-Governor to be appointed for the province of the Northwest be familiar with both the English and French languages.

18. That the judge of the supreme court speak the English and French languages.

19. That all debts contracted by the Provisional government of the territory of the Northwest, now called Assiniboia, in consequence of the illegal and inconsiderate measures adopted by Canadian officials to bring about a civil war in our midst, be paid out of the Dominion treasury, and that none of the Provisional government or any of those acting under them be in any way held liable or responsible with regard to the movement or any of the actions which led to the present negotiations.

While all this was going on on the banks of the Red River of the Northwest, great anxiety and uneasiness continued to prevail in the Colonial office in Downing street and at Ottawa; numerous despatches and telegrams were exchanged between the two. The following will give an idea of what was desired, hoped or feared.

On the 5th of March Lord Granville telegraphed to Sir John Young : "Her Majesty's Government will give proposed military assistance, provided reasonable terms are granted to the Red River settlers."

On the 17th of March the same to the same : "Let me know by telegram when you know delegates have started from Fort Garry."

Sir F. Rogers, under-secretary for the colonies, writes on the 22nd March : "Troops should not be employed in forcing the sovereignty of Canada on the population of Red River should they refuse to admit it."

On the 4th of April, the Governor-General conveyed by telegram to Earl Granville startling information : "Smith came here on Saturday from Fort Garry with bad news. A Canadian called Scott was, by Riel's orders, tried by court martial and shot, with the view it is supposed of compromising Riel's followers, before Tache had arrived. They say the delegates are coming, but it is quite clear Riel will yield to nothing but force. Things now look, I think, very bad."

On the 7th of April, the same telegraphed to the same : "Last of the delegates is expected at St. Paul on Thursday the 14th, the others arrived there today, and may reach Ottawa on Saturday the 9th."

Distressing as the news was, Earl Granville had still confidence in the negotiations he had so constantly urged; on the 9th of the same month he telegraphed to the Governor-General : "Let me know as soon as you can by telegram result of negotiations with Red River delegates."

It is evident from the above documents that Her Majesty's Government had no desire to impose by force the sovereignty of Canada on the settlers of Assiniboia, but that they were exceedingly anxious of a peaceful settlement through negotiations with the delegates. No need to add that all this was said and done in perfect good faith, on the part of Earl Granville, and that Her Majesty's Government intended to bind themselves to protect and safeguard the agreement, secured not only with their sanction, but at their explicit and repeated request.

The two first delegates arrived at Ottawa on the 11th; in spite of what had been said and promised, they were arrested. This incident, which could have caused serious complications, was learned with regret by Lord Granville, who telegraphed to the Governor-General : "Was arrest of delegates authorized by the Canadian Government? Send full information by telegram."

Sir John Young answered the next day : "Arrest of delegates was not authorized by the Canadian Government."

On the 23rd of the same month of April, Earl Granville thus informed the Governor-General : "Canadian Government to accept decision of Her Majesty's Government on all portions of the settlers' bill of rights."

The very same day the negotiations began at Ottawa. Sir John A. Macdonald and Sir George Cartier were appointed by the Canadian Government to treat with the three delegates of the Northwest.

The first interview was merely preliminary. On Monday the 25th, the two ministers and the three delegates met again; the delegates insisted on a written acknowledgment of their official position and declared that the list or bill of rights they had brought with them was the only basis on which they were authorized to treat with the government. Objections were made, but after a long discussion, it was agreed that the written acknowledgment would be given next day, and the list be produced by the delegates.

On the 26th, at the next meeting the promised letter was given by the ministers and the list of rights produced by the delegates and practically the official negotiations began this day and lasted until the 3rd of May, when the principal points on the list of rights were agreed upon, leaving some details for further consideration.

It is not generally known that the new bill of rights was the basis of negotiations, but it is nevertheless the case, and many points granted as expressed in the Manitoba act were demanded in no other document, except on the list of rights presented by the delegates.

The first article is a very important feature of this new bill of rights. It contains the demand for the establishment of a province covering the whole Northwest, with all the privileges and governing machinery appertaining to other provinces, including a responsible government. This met with strong objections, but at last was conceded on the condition of reducing the new province to very small proportions.

Article 11 also caused a long discussion; it asked for the control of all the lands of the Northwest by the Local Legislature. To this, both the Imperial and Canadian authorities refused to accede, but to condone for this refusal they gave to the children of the half-breed inhabitants of the country one million four hundred thousand acres of land, which had not been asked for, and with the understanding that by and by they would also give some lands to the parents of these children and to other old settlers.

The question of separate schools, as demanded in the Seventh Article of the List of Rights, was taken into consideration; the delegates were promised that they would not only have the benefit of the provisions of the "British North American Act," but they might rest assured and might assure the people of the Red River that separate schools would be guaranteed to them.

The recognition of the use the French language, as an official language, was

conceded as expressed in the 16th article of the List of Rights, with the promise that attention would be paid to the demands of the 17th and 18th articles, as in fact it has been done, if not completely at least enough to satisfy the interested parties.

The whole list having been examined, accepted, modified or rejected to the satisfaction of the negotiating parties, the Governor-General telegraphed to Earl Granville on the 3rd of May: "Negotiations with the delegates closed satisfactorily."

The negotiations had been asked for, they had been urged both by the Imperial and Federal authorities, the Government of Her Majesty had exacted from the Canadian Government the acceptance by the latter of the decision of the former on all points of the Bill of Rights. They had sent an official envoy to Ottawa to watch the conference, and when it is announced that the negotiations are closed satisfactorily it must mean that the Imperial Government is satisfied, that its views on this subject will be carried out, and that no inferior authority would have power to disturb them.

Lord Granville, in one of his despatches, says: "I am glad to learn that the proceedings adopted against the Rev. Mr. Ritchot and Mr. Scott were promptly disposed of, and had not been renewed; and I take this opportunity of expressing the satisfaction with which I have learned from your telegram of the 3rd inst., that the Canadian Government and the delegates have come to an understanding as to the terms on which the settlement of the Red River should be admitted into the Dominion."

All this is previous to the Manitoba act, it is a treaty between contracting parties placed on a certain footing of equality, as the government of Her Majesty had declared "troops should not be employed in forcing the sovereignty of Canada on the population of the Red River, should they refuse to admit it."

Public good faith and inter-provincial laws, even apart of the Manitoba act, must guarantee to the parties interested their privileges and rights settled by the above-mentioned negotiations.

Before consummation of the union, it remained for the Cabinet of Ottawa to see if the Legislature of the Dominion would acquiesce in their share of obligation, as expressed during the negotiations, or if they would rather renounce to the acquisition of the Northwest; a bill was prepared to that effect, introduced to the House of Commons by Sir John A. Macdonald, was discussed during several

days, was voted upon by the two branches of the Legislature and was sanctioned by the Governor-General. This is known as the Manitoba act.

This, being a Federal act, cannot be interfered with by the Legislature of Manitoba, except on such points as are provided in the act itself. Moreover the act having received the sanction of the Imperial Parliament, the rights and privileges guaranteed by the same must be respected, unless the sacredness of treaties and the laws constituting a province are proved to be nothing. To make a direct application to the questions of the day, I say that the Legislature of our province has no more power to deprive any portion of our people of the rights and privileges guaranteed to them by the negotiations at Ottawa and by the Manitoba Act with regard to schools, than they have to sever the connection of this Province with the Dominion or to deprive the settlers of the lands given them by the same act.

#### CONCLUSIONS.

Having briefly related the history of the entrance of Manitoba into the Confederation, I may be permitted to draw the conclusions which I consider as obvious.

1. The advice given by Lord Granville at the outset, if complied with, would have prevented the Red River difficulties;

may similar advices, already often repeated, have weight with those who are framing our laws, in order to avoid giving rise to unforeseen complications.

2. The rights, even of a small portion of the community, when dear to them, cannot be disregarded with impunity and without danger.

3. Once started on a false path, it is wiser and more expedient to retrace one's steps than to continue in the wrong way.

4. Negotiations opened, directed and concluded according to the will of the advisers of Her Majesty must be considered as something of importance and not to be lightly cast aside.

5. The rights of a certain portion of the population of Manitoba, with regard to their language and separate schools, having been acknowledged by Federal and Imperial Acts, are a part of our constitution, and it is a serious matter for the provincial authorities to interfere therewith.

In thanking you, Sir, for your kind condescension, allow me to wish to you and to your numerous readers the compliments of the season. Yes, merry Christmas and happy New Year to you all.

Your obedient servant,

† ALEX. ARCH. OF ST. BONIFACE, O.M.I.  
St. Boniface, December 22, 1889.

